IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

CRL.A.No. 798 of 2000()

CC.312/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, ATTINGAL, DT.22.6.2000.
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APPELLANT:

PRAKASH, S/O.KRISHNA PILLAI,
KRISHNAVILASOM, PONGANADU,
KILIMANOOR VILLAGE(HAILING FROM
PRAKASH BHAVAN,CHEMKUNNAM DESOM,
VARKALA VILLAGE.

BY ADV. SRI.THOMAS ABRAHAM

RESPONDENTS:
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1. SURESH KUMAR, S/O. CHANDRASEKHARAN,
SEKHAR MANDIRAM,
AVANANCHERI VILLAGE, PONGAND DESOM.

2. STATE OF KERALA, REP.BY THE
PUBLIC PROSECUTOR , HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.798 OF 2000

DATED THIS THE 9TH JULY 2007

JUDGMENT

Appellant is the complainant in C.C.No.312/2000, the proceedings initiated under section 138 of the Negotiable Instruments Act in which the accused was acquitted under section 256(1) Cr.P.C. It is submitted that the complainant could not appear on the particular day due to the wrong noting of the posting date.

2. In the circumstances, the appeal is allowed. The order of the court below is set aside. The court below is directed to permit the complainant to further proceed with the matter and dispose of the case on merits. The court shall issue fresh summons to the accused.

The appellant shall appear before the JFCM-II, Attingal on 9-8-2007.

(K.R.UDAYABHANU)
JUDGE.

kvm/-

K.R.UDAYABHANU, J.

CRL.A. 798 OF 2000

JUDGMENT

9-7-2007.